

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

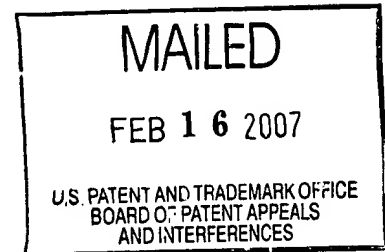
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte STEFAN GEORG HILD and SANDEEP K. SINGHAL

Appeal No. 2006-3090
Application No. 09/532,937

ON BRIEF



Before THOMAS, HAIRSTON, and DIXON, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

This is an appeal from the final rejection of claims 1, 2, 5 through 12, 15 through 22, 25 through 30, 32, 34 and 36 through 45.

The disclosed invention relates to a method and system in a networked environment for receiving a link element that includes a plurality of requested client properties. At least one of the requested client properties is inserted into the request for customization of the requested document identified by the link element.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. In a networked environment, a method for designating client properties comprising:

receiving a link element associated with a server, the link element including a plurality of requested client properties;

selecting said link element to request a document identified by the link element to be transmitted to a client, and

inserting at least one of said plurality of requested client properties into the request so as to allow customization of the requested document identified by the link element based on the inserted at least one of said plurality of requested client properties.

The references relied on by the examiner as evidence of unpatentability are:

Merriman	U.S. 5,948,061	Sept. 7, 1999
Heidorn	U.S. 6,098,081	Aug. 1, 2000 (Filed May 6, 1996)
Bruck	U.S. 6,268,856	July 31, 2001 (Filed Sept. 8, 1998)
Gershman	U.S. 6,401,085	June 4, 2002 (Filed Mar. 5, 1999)

Claim 21 stands rejected under the first paragraph of 35 U.S.C. § 112 for lack of written description.

Claims 1, 2, 11, 12, 21 and 22 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Merriman.

Claims 5, 14, 15, 24, 25, 32, 34, 36 through 38, 40, 41, 43 and 44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Gershman.

Claims 6, 7, 16, 17, 26 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn.

Claims 8, 18 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view Heidorn and Gershman.

Claims 9, 19, 29, 39, 42 and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn, Gershman and Bruck.

Claims 10, 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of Heidorn and Bruck.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will sustain the written description rejection of claim 21, reverse the anticipation rejection of claims 1, 2, 11, 12, 21 and 22, and reverse the obviousness rejections of claims 5 through 10, 15 through 20, 25 through 30, 32, 34 and 36 through 45.

The lack of written description rejection is sustained *pro forma* because appellants have not responded to the rejection.

Anticipation is established when a single prior art reference discloses expressly or under the principles of inherency each and every limitation of the claims invention. *Atlas Powder Co. v. IRECO Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1946 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The examiner contends that Merriman (column 3, line 24 through column 4, line 11 and column 5, line 33 through column 7, line 43) describes all of the method steps of claims 1, 2, 11, 12, 21 and 22 (Answer, pages 7 and 8). The appellants contend (Brief, page 11) that “[n]othing in the cited portion of Merriman discloses or suggests receiving a link element from the server including a plurality of **requested client properties**, inserting at least one of

these **requested client properties** into a request and using the at least one **requested client properties** to customize the requested document.”

We agree with appellants’ argument. In Merriman, the user at browser 16 receives a first link element in a return message 22 from affiliate web site 12, and a second link element in the form of a banner advertisement on return message 24 from advertising server 19 (column 3, lines 5 through 57). The first link element sent by the affiliate web site 12 to the user’s browser includes an IP address for a node running an advertiser server process 19, but it does not include any “requested client properties” as claimed. When the user clicks on the first link element, the browser 16 automatically sends a request in a message 23 to the advertising server process 19 that includes the user’s IP address, a cookie, a substring key indicating the page in which the advertisement to be provided from the advertiser’s website 18 is to be embedded, and a MIME header indicating browser type and version, the operating system of the underlying computer and the proxy server type (column 3, lines 44 through 52). In response to the request, the advertising server process 19 determines which advertisement or other object to provide to the user’s browser, and transmits a message 24 which contains a banner advertisement for display at the user’s computer (column 3, lines 52 through 63). The banner advertisement does not contain “requested client properties” as set forth in the claims on appeal. When the user clicks on the banner advertisement/second link element, the user’s browser sends a second message 23 to the advertising server process 19, and a return message 24 to the user’s browser 16 includes a URL of the advertiser’s

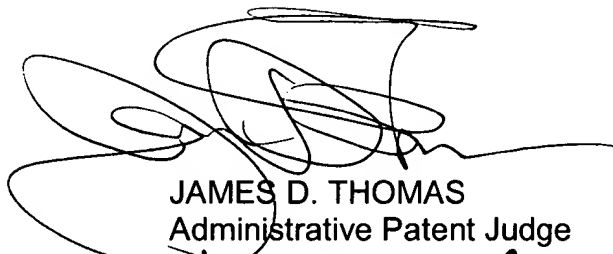


web page (column 3, line 64 through column 4, line 3). The user can now contact the advertiser's web site 18 via message 26 (column 4, lines 3 through 5). If the first and second link elements lack "requested client properties," then Merriman is incapable of customizing the requested document by "inserting at least one of said plurality of requested client properties into the request" as claimed. Thus, the anticipation rejection of claims 1, 2, 11, 12, 21 and 22 is reversed.

The obviousness rejections of claims 5 through 10, 15 through 20, 25 through 30, 32, 34 and 36 through 45 are reversed because the teachings of Gershman, Heidorn and Bruck fail to cure the noted shortcomings in the teachings of Merriman.

DECISION

The decision of the examiner rejecting claim 21 under the first paragraph of 35 U.S.C. § 112 is affirmed. The decision of the examiner rejecting claims 1, 2, 11, 12, 21, and 22 under 35 U.S.C. § 102(e) is reversed, and the decision of the examiner rejecting claims 5 through 10, 15 through 20, 25 through 30, 32, 34 and 36 through 45 under 35 U.S.C. § 103(a) is reversed.

AFFIRMED-IN-PART

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JAMES D. THOMAS)	
Administrative Patent Judge)	
)	
KENNETH W. HAIRSTON)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
JOSEPH L. DIXON)	
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